

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 57 is being added as a new claim.

This amendment adds a claim in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2, 4, 5, 8, 14, 17, 19, 20, 23, 25, 26, 29, 32, 34, 35 and 40-57 are now pending in this application.

Claim Objections

Claims 2, 4, 5, 17, 19, 20, 44-46 and 51-53 were objected to under 37 CFR § 1.75(c) for being of improper dependent form for failing to further limit the subject matter of a previous claim for allegedly being directed to nonfunctional descriptive matter.

In response, Applicants respectfully disagree. MPEP § 2106.IV.B.1(b) states that “[d]escriptive material that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. 101.” Thus, there must be a functional interrelationship between the material claimed and the claimed process. However, “[t]he presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter.” If there is a functional interrelationship between the data and the computing process performed then the claimed descriptive matter is statutory.

Here, there is a functional interrelationship between the subject matter of the claims being objected to and the claimed method and computing process. For example, independent claim 40 is directed to a method of communicating information concerning a target location. Further, claim 2 recites that the sponsored information obtained by the method of claim 40 comprises location based advertising and location based content. Accordingly, there is a functional interrelationship between the method of claim 40 and the limitations of claim 2. Based on similar reasoning it is clear that claims 4, 5, 17, 19, 20, 44-

46 and 51-53 are also functionally related to the claimed computing process and method. Accordingly, Applicants respectfully request that the objection be withdrawn.

Prior Art Rejections

Claims 2, 4, 5, 8, 14, 17, 19, 20, 23, 25, 26, 29,32, 34, 35, 40-43, 47-50 and 54 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,948,040 (“DeLorme”). Claims 44, 45, 51 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLorme. Claims 55 and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLorme in view of U.S. Patent No. 6,253,189 (“Feezell”). In response, Applicants respectfully traverse the rejection for the reasons set forth below.

Applicants rely on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicants respectfully submit that DeLorme does not describe each and every element of the claims.

Independent claims 40, 47, 54 and 55 are directed to a computer implemented method, a computer readable data storage medium, a system and a computer implemented network for communicating information concerning a target location for which a user seeks information from a server to a user’s computing/communication device communicatively connected to said server on a network. For example, the method as claimed in claim 40 includes the steps of determining a target location specified by said computing/communication device independently of a current physical location of said computing/communication unit and said server; at said server retrieving from a database at least one of a plurality of categories of sponsored information provided by exclusive sponsors for said target location; and delivering said sponsored information to said computing/communications device over said network.

DeLorme does not disclose each and every limitation of the claimed invention. DeLorme is directed to a travel reservation information and planning system. Users can use the system disclosed in DeLorme to create travel itineraries. *See* Abstract. However, DeLorme fails to disclose, teach or suggest “retrieving from a database at least one of a plurality of categories of sponsored information provided by exclusive sponsors for said target location; and delivering said sponsored information to said computing/communications device over said network” as claimed in independent claims 40, 47, 54 and 55. The Office

Action at p. 3 refers to the mention of the Palisade restaurant in the disclosure of DeLorme to attempt to show that sponsored information is provided by DeLorme. However, the TRIPS system disclosed in DeLorme does not provide exclusive sponsored information. DeLorme does not disclose, teach or suggest that the information displayed on the Palisade restaurant is sponsor provided, i.e. provided by the Palisades. Instead, DeLorme teaches the use of system generated data, i.e., TRIPS data records. *See* Col. 28, lines 56-67. Accordingly, the Palisades restaurant is simply a listing in a TRIPS data record and not sponsored information provided by exclusive sponsors for said target location.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Here, DeLorme fails to disclose the claimed invention in the requisite detail. Specifically, DeLorme does not disclose, teach or suggest “retrieving from a database at least one of a plurality of categories of sponsored information provided by exclusive sponsors for said target location; and delivering said sponsored information to said computing/communications device over said network.” Accordingly, Applicants request that the rejection be withdrawn and independent claims 40, 47, 54 and 55 be allowed. Further, claims 2, 4, 5, 8, 14, 17, 19, 20, 23, 25, 26, 29, 32, 34, 35, 41-46, 48-53 and 56 depend from one of claims 40, 47, 54 and 55 and should therefore be allowed for the reasons set forth above without regard to further patentable limitations cited therein. Further, Feezell does not cure the deficiencies of DeLorme.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in DeLorme.

New Claim 57

New claim 57 has been added to further define the invention. Support for new claim 57 can be found at least on pages 13 and 14 of the specification. Further, new claim 57 should be allowed for the reasons set forth above without regard to further patentable limitations recited therein. For example, none of the references cited disclose, teach or suggest “retrieving from a database at least one of a plurality of categories of sponsored information related to residential real estate foreclosure provided by exclusive sponsors participating in residential real estate foreclosure transactions for said geographical region” as claimed in claim 57. Thus, for this additional reason claim 57 should be allowed.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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